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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(SAN FRANCISCO DIVISION)

VALENT U.S.A. CORPORATION
and SUMITOMO CHEMICAL CO., LTD.,

Plaintiffs,

v.

SYNGENTA CROP PROTECTION, INC.,

Defendant.

CASE NO. 08-CV-0720 VRW

FILED UNDER SEAL

**JOINT MOTION FOR TWO-
MONTH STAY OF THE CURRENT
JURISDICTIONAL DISCOVERY
SCHEDULE PURSUANT TO L.R. 7-
11 AND PROPOSED ORDER**

1 **CONCISE STATEMENT OF RELIEF REQUESTED**

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]. The parties believe that a two-month stay is necessary to

11 facilitate licensing discussions between the parties and [REDACTED], with the goal being to resolve this

12 litigation without the need for further Court involvement. The parties agree that such a stay

13 would allow the parties and [REDACTED] to focus on a business resolution of the current litigation, thus

14 conserving the Court's and the parties' valuable resources.

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16 **MEMORANDUM**

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 A stay is requested by the parties to enable them to conduct negotiations toward a business

24 agreement, and it is believed that a two-month period should be sufficient, taking into account

25 that there are three parties involved, the logistical difficulties inherent in the parties' (and their

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2 foreign affiliates') geographically widespread locations (Japan, Europe, and the U.S.) and the
3 complications that arise when the parties speak different languages.
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5 In furtherance of this agreed joint motion, the parties also agree that:

6 (1) All pending discovery, including the remaining document discovery and
7 depositions of [REDACTED] shall be
8 postponed during the two-month stay; however, in the event that a resolution of this lawsuit is
9 not reached by the end of the two-month stay, the parties agree that all document discovery and
10 remaining depositions will be re-scheduled and no objection to such discovery shall be made by
11 any party by reason of this stay or by reason of any communications between SCC, Syngenta or
12 [REDACTED] regarding settlement that may be made during the period of the stay; however, additional
13 relevant discovery, if any, including depositions, is not precluded by the stay;
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16 (2) In the event that a resolution of this lawsuit is not reached by the end of the two-
17 month stay, the parties will jointly move the Court on or shortly after October 1, 2008, to reset
18 the briefing schedule on Syngenta's motion to dismiss consistent with the timing of the schedule
19 that is now in place;
20

21 (3) This joint request is not evidence in support of or in opposition to Syngenta's
22 motion to dismiss for lack of subject matter jurisdiction, but is instead an agreement under F.R.E.
23 408 which is not admissible or usable for such purpose.

24 The parties will proceed in any manner desired by the Court in order to accommodate the
25 Court's busy schedule and other pressing matters.
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DATED: August 1, 2008

By: /s/Jeffrey K. Sherwood
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Attorney for Plaintiffs Valent U.S.A.
Corporation and Sumitomo Chemical
Company, Ltd.

By: /s/Michael J. Flibbert
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UNITED STATES DISTRICT COURT
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v.

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CASE NO. 08-CV-0720 VRW

**[PROPOSED] ORDER GRANTING
JOINT MOTION FOR TWO-
MONTH STAY OF THE CURRENT
JURISDICTIONAL DISCOVERY
SCHEDULE**

**[PROPOSED] ORDER GRANTING JOINT MOTION FOR TWO-MONTH STAY OF
THE CURRENT JURISDICTIONAL DISCOVERY SCHEDULE**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date

Chief Judge Vaughn R. Walker

Certificate of Service

The undersigned hereby certifies that on August 1, 2008, he served a copy of the attached
JOINT MOTION FOR TWO-MONTH STAY OF THE CURRENT JURISDICTIONAL
DISCOVERY SCHEDULE PURSUANT TO LR 7-11 AND PROPOSED ORDER by electronic
mail to the persons hereinafter named, at the place and address stated below:

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